

REMARKS

Applicant notes with appreciation that, in the Office Action dated November 15, 2004, claims 14-20 were allowed and claims 2-5, 9, 11 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 1, 8, 10 and 12 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Huang et al. (U.S. Patent No. 5,903,660). In addition, claims 6 and 7 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Huang et al. In response, Applicant respectfully asserts that each element of the independent claim 1 is not disclosed in Huang et al., as described below. In view of the following remarks, Applicant respectfully requests the allowance of the pending claims 1, 6-8, 10 and 12, and the "objected to" claims 2-5, 9, 11 and 13, in addition to the allowed claims 14-20.

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A. Patentability of Independent Claim 1

The independent claim 1 was rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Huang et al. In response, Applicant respectfully asserts that each recited element of claim 1 is not disclosed in the cited reference of Huang et al. Consequently, the independent claim 1 cannot be anticipated by Huang et al., and thus, should be allowed.

25 The independent claim 1 recites a method for automatically removing noise comprising the steps of:

"a) receiving a current pixel;
b) computing an activity metric of the current pixel by using the current pixel and a neighborhood of pixels related to the current pixel;
c) computing a distance metric for indicating the likelihood that the current pixel is a background pixel by using the activity metric and at least one background parameter; and
d) modifying the current pixel based on the distance metric;
wherein the distance metric provides a soft thresholding framework."

35 A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The cited reference of Huang et al. does not disclose the “computing an activity metric” element and the “computing a distance metric” element of the independent claim 1. With respect to the former element of claim 1, 5 there is no discussion of “computing an activity metric” in the cited reference of Huang et al. In fact, the “computing an activity metric” element of claim 1 was not even addressed in the Office Action. Thus, the cited reference of Huang et al. does not disclose the element of “computing an activity metric of the current pixel by using the current pixel and a neighborhood of pixels related to the current pixel,” as recited 10 in the independent claim 1. With respect to the latter element of claim 1, this element recites “computing a distance metric for indicating the likelihood that the current pixel is a background pixel by using the activity metric and at least one background parameter” (emphasis added). Thus, this element is dependent on “the activity metric”, which is not disclosed in the cited reference of Huang et al. Consequently, 15 the cited reference of Huang et al. does not disclose the “computing a distance metric” element of the independent claim 1.

Since the “computing an activity metric” element and the “computing a distance metric” element of the independent claim 1 are not disclosed in Huang et al., 20 the independent claim 1 cannot be anticipated by Huang et al. Therefore, Applicant respectfully requests that the independent claim 1 be allowed.

C. Patentability of Dependent Claim 6-8, 10 and 12

25 Each of the dependent claims 6-8, 10 and 12 depends on the independent claim 1. As such, these dependent claims include all the limitations of the independent claim 1. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as the independent claim 1.

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Applicant respectfully requests reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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